

Serial No. 09/865,023

AVEN et al.

AM100307-00

REMARKS

It is respectfully requested that the Examiner enter and consider the changes made in the claims which are indicated in the Listing of Claims set forth in Appendix I attached to this paper. Accordingly, Claims 1 and 3 to 8 are canceled, and Claims 9, 12 and 14 are amended. Pending entry and consideration by the Examiner, Claims 9 to 19 as set forth in Appendix II remain in the application. Claims 15 to 19 stand allowed. Claims 9, 10 and 11 stand objected to and Claims 12 to 14 stand rejected.

The Examiner indicated that Claim 9 would be allowable if rewritten in independent form. Applicants' amendment removes the dependence of Claim 9 from a rejected claim. Amended Claim 9 as herewith presented is therefore allowable. Claims 10, 11 and 13 depend upon Claim 9 and should therefore also be in condition for allowance¹⁾. Moreover, applicants have amended Claims 12 and 14 to depend upon Claim 9, so that Claims 12 and 14 should also be in condition for allowance.

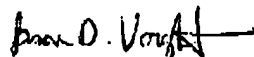
Since all of the claims set forth in the attached Appendix II are deemed to be allowable, the application should now be in condition for allowance. Early action is respectfully solicited.

REQUEST FOR EXTENSION OF TIME:

It is respectfully requested that a *three* month extension of time be granted in this case. A check for the \$950.00 fee is attached.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees, to Deposit Account No. 11.0345. Please credit any excess fees to such deposit account.

Respectfully submitted,
KEIL & WEINKAUF



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Encl.: THE LISTING OF CLAIMS (Appendix I)
THE CURRENT CLAIMS (Appendix II)
HBK/BAS

1) If an independent claim is non-obvious under 35 U.S.C. §103, then any claim depending therefrom is non-obvious (In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (CAFC 1988)).

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APPENDIX I:

THE LISTING OF CLAIMS (version with markings):

1. (canceled)

2. (canceled)

3. (canceled)

4. (canceled)

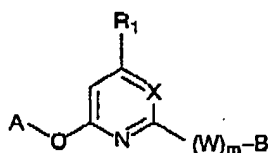
5. (canceled)

6. (canceled)

7. (canceled)

8. (canceled)

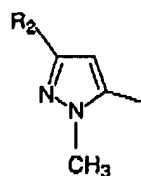
9. (currently amended) A solid granule which comprises about
 (a) 0.1 to 100 g/kg of at least one herbicidal compound of formula IA



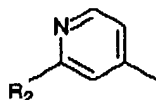
IA

wherein [~~A, B, R₁, X, W and m~~ are defined as in claim 1]

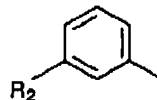
A represents a group of formula a, b, c or d:



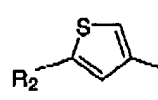
or



or



or



(a)

(b)

(c)

(d)

wherein R₂ is a halogen atom or a C₁₋₃ haloalkyl or C₁₋₃ haloalkoxy group;

B represents a phenyl, pyridyl, pyrazolyl or thienyl ring being optionally substituted by one or more halogen atoms, alkyl, haloalkyl or haloalkoxy groups;

R₁ represents a hydrogen or halogen atom or an alkyl or alkoxy group;

X represents CH or N;

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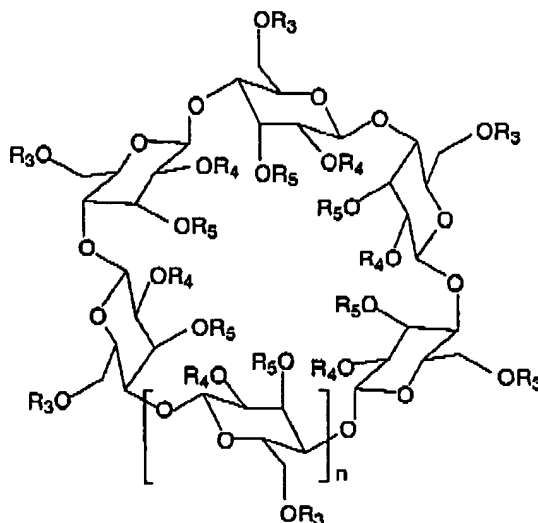
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W represents -O-, -OCH₂- or -CONH-, and
m is 0 or 1;

and

- (b) 900 to 999.9 g/kg of one or more solid carrier comprising a cyclodextrin of formula II



wherein

R₃, R₄ and R₅ each independently represent a hydrogen atom or a C₁₋₄ alkyl, C₁₋₄ alkanoyl or a C₁₋₄ hydroxyalkyl group; and
 n is 1, 2 or 3.

- 2 10. (previously presented) A solid granule according to claim 9, wherein the solid carrier is a cyclodextrin of formula II, wherein R₃, R₄ and R₅ each represent a hydrogen atom and n is 2.
- 3 11. (previously presented) A solid granule according to claim 9, which comprises
- (b1) 50 to 250 g/kg of one or more cyclodextrin of formula II; and
- (b2) 650 to 949.9 g/kg of one or more solid carrier selected from the group consisting of granular gypsum, kaolin or bentonite, silica, inorganic salts, polyvinylpyrrolidone, polyvinylacetate, sugar and mixtures or copolymers thereof and optionally at least one solid auxiliary.
- 4 12. (currently amended) A method for the control of undesired weeds at a locus which comprises treating said locus with [a] an effective

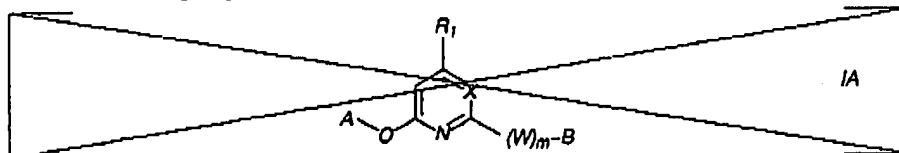
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amount of the solid granule [which consists essentially of] defined in claim 9.

[(a) 0.1 to 100 g/kg of at least one herbicidal compound of formula IA]



[wherein A, B, R1, X, W and m are defined as in claim 1; and]

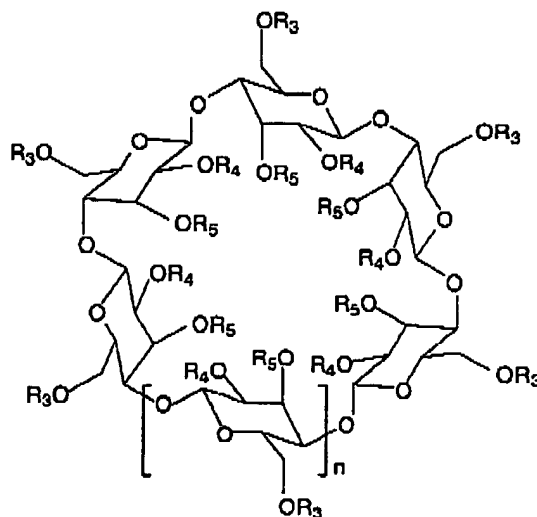
[(b) 900 to 999.9 g/kg of one or more solid carrier selected from the group consisting of]

[granular gypsum, kaolin or bentonite, polyvinylpyrrolidone, polyvinylacetate, cyclodextrin, sugar and mixtures or copolymers thereof, and optionally at least one solid auxiliary.]

5 ~~13.~~ (previously presented) A method according to claim ~~12~~⁴ wherein said weeds are *Galium* spp. or *Alopecurus* spp.

6 ~~14.~~ (currently amended) The method according to claim ~~12~~⁴ wherein R² is a chlorine atom, or a trifluoromethyl, pentafluoroethyl, trifluoromethoxy or difluoromethoxy group.

7 ~~15.~~ (previously presented) A solid granule which consists essentially of
 (a) 0.1 to 100 g/kg of at least one herbicidal compound which is 2',4'-difluoro-2-(α,α,α -trifluoro-m-tolyloxy)-nicotinamide (diflufenican); and
 (b) 900 to 999.9 g/kg of one or more solid carrier comprising a cyclodextrin of formula II



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wherein

R_3 , R_4 and R_5 each independently represent a hydrogen atom or a C_{1-4} alkyl, C_{1-4} alkanoyl or a C_{1-4} hydroxyalkyl group; and

n is 1, 2 or 3;

and optionally at least one solid auxiliary.

8 ~~16.~~ (previously presented) The solid granule according to claim ~~15~~,⁷ wherein R_3 , R_4 and R_5 each represent a hydrogen atom and n is 2.

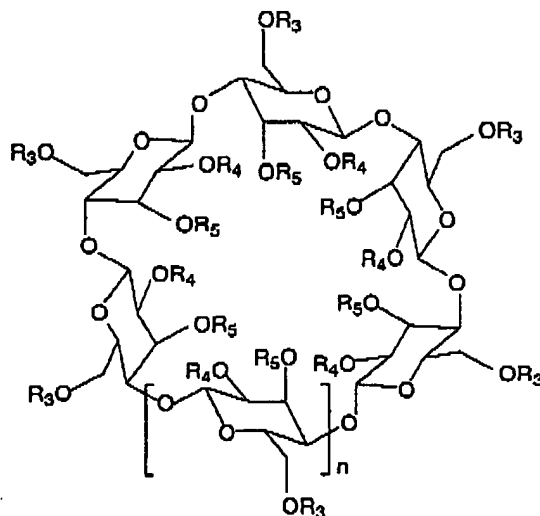
9 ~~17.~~ (previously presented) The solid granule according to claim ~~15~~,⁷ which comprises

- (b1) 50 to 250 g/kg of one or more cyclodextrin of formula II; and
(b2) 650 to 949.9 g/kg of one or more solid carrier selected from the group consisting of

granular gypsum, kaolin or bentonite, silica, inorganic salts, polyvinylpyrrolidone, polyvinylacetate, sugar and mixtures or copolymers thereof, and optionally at least one solid auxiliary.

10 ~~18.~~ (previously presented) A method for the control of undesired weeds at a locus which comprises treating said locus with a solid granule which consists essentially of

- (a) 0.1 to 100 g/kg of at least one herbicidal compound which is 2',4'-difluoro-2-(α,α,α -trifluoro-m-tolyloxy)-nicotinamide (diflufenican); and
(b) 900 to 999.9 g/kg of one or more solid carrier comprising a cyclodextrin of formula II



II

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wherein

D
cont.
R₃, R₄ and R₅ each independently represent a hydrogen atom or
a C₁₋₄ alkyl, C₁₋₄ alkanoyl or a C₁₋₄ hydroxyalkyl group;
and

n is 1, 2 or 3;

and optionally at least one solid auxiliary.

11
~~19~~. (previously presented) The method according to claim ~~18~~^{*10*} wherein said
weeds are *Galium spp.* or *Alopecurus spp.*